

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For further hearing
as 'Part. II'.

to
20/2

Bench

Copies of order
dt. 23.2.04 prepared
for counsel for
both sides.

to
27/2

Signature
80/2

Order dated 23.2.2004

Heard Shri D.P.Dhalasamant, the learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel appearing on behalf of the Respondents.

Shri Kumar Swain (applicant) now working as E.D.D.A., Pakajhola B.O. has filed this Original Application being aggrieved by his non-selection to the post of Postman in the examination held by the Respondents on 16.1.2000. He has in this O.A. has prayed for a direction to be issued to Respondents to produce the answer scripts, if necessary, to ascertain the genuineness of the marking carried out by them and also to direct them to issue an order of appointment in his favour.

Respondents, admitting the ^{fact of the} case ~~of~~ have submitted that no candidate from the departmental quota having qualified in the said examination, all the vacancies went to the outsiders quota and the list of qualified candidate was prepared on the basis of marks of which four candidates, who qualified examination were promoted to the Postman. However, two posts, i.e., 1 OC category and 1 ST category remained vacant due to non-qualification of any candidate in those categories. The applicant who had also appeared in the examination could not come in the merit list as he could not secure the qualifying marks in Paper 'A' although in aggregate he had secured 95 marks. They have further submitted that even if the applicant would have

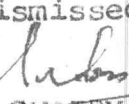
the qualifying marks in Paper 'A' and declared qualified in OC quota, he could not have been offered appointment in that year as there was no vacancy in OC quota available for the year 2001. It has been further submitted by the Respondents that the applicant did not appear in the said examination ⁱⁿ for the year 2001 although he was admitted in that examination and allotted Roll.No.

The Respondents have disclosed the marks obtained by ~~the~~ all the successful candidates in all the subjects and have also given the marks obtained by the applicant in each subject. The learned Standing Counsel Shri Bose has also placed before us the answer script of the applicant in Paper 'A', from which we find that the each question answered by the applicant in that paper was fairly assessed by the examiner and the arithmetical totalling of the marks was found to be correct.

In the aforesaid premises, there appears to be no scope for any judicial interference in the conduct and declaration of the results for Postman cadre in Koraput Division, carried out for the year 2000.

The O.A. is accordingly dismissed.

No costs.


VICE-CHAIRMAN 23/12


MEMBER (JUDICIAL)